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Love, right, and the Commonwealth: Hobbes, Rousseau, and Augustine on Commonwealths and their establishment

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LOVE, RIGHT, AND THE COMMONWEALTH:

HOBBES, ROUSSEAU, AND AUGUSTINE ON COMMONWEALTHS

AND THEIR ESTABLISHMENT

by

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Dedication

For my gracious God and Father, my merciful Savior, my patient family, Boston University, the people of New England, and the Church. I love you all and am exceedingly thankful for the love and support that you have shown me throughout my life thus far. All glory be to God, whose kingdom cannot be shaken and whose dominion knows no end!

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ABSTRACT

The following work is an effort to better understand commonwealths by exploring the circumstances, rights, and desires of those who found them or recognize their authority. While it is apparent that mankind's affairs are governed largely by commonwealths or similar bodies, the reasons that men have for establishing them and the rights upon which their authority is established can be more difficult to grasp. In this work, differing perspectives on the condition of men in nature, the rights they naturally possess, and the primary desires that motivate them are considered in hopes of determining a commonwealth's purpose. Visions and definitions of commonwealths given by the same philosophers are then reviewed and compared with one another to determine the ways that their respective views on man and his condition mold the arrangements they put forth. Better understanding the relationship between men, their circumstances, and the governments they create could be of great value to those trying to determine why existing commonwealths have taken their

present forms. Such insight would also clarify which attributes of a commonwealth are most essential to ensuring that it accomplishes the purposes for which it was established.

Foreword

Throughout this thesis, I primarily use male pronouns when referring to individuals or groups of people. This is partially for consistency, as these pronouns are used in the works that are reviewed, and partially for expediency, as I determined that using terms such as 'he or she' and 'men and women' repeatedly would make the work more challenging to read. That being said, many, though not necessarily all, places where a male pronoun is used, it generally refers to members of both gender.

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Introduction

While it is evident that much of mankind has divided itself into largely independent, self-governing bodies, often called commonwealths or states, the reasons that such entities develop and the ways in which they form are not necessarily as clear. What motivates people to establish such an institution or recognize it as having authority over them once it has been established? Furthermore, what gives those who found a commonwealth the right to do so, and what gives such an institution legitimate authority, once it has been established? These questions are all addressed in the writings of Thomas Hobbes, Jean-Jacques Rousseau, and Augustine of Hippo. Though they do not necessarily share the same views on what compels men to form commonwealths, what right they have to establish them, or how authority is distributed in the resulting arrangement, each author provides a considerable amount of insight regarding these matters. Through comparing their respective visions of man's natural condition, his desires, and the ways in which he may receive and surrender authority, a better understanding of commonwealths and the circumstances surrounding their establishment may be achieved.

The first chapter of this work focuses specifically on the views held by

Hobbes and Rousseau concerning man's condition apart from the commonwealth, paying particular attention to the desires and rights that each author considers men to possess in such a state. Their differing positions on these matters greatly inform their views regarding both the establishment of commonwealths and the form a commonwealth takes once this occurs. The second chapter then reviews Augustine's perspective on man's original state, the way in which it was corrupted, and the two 'cities' produced by mankind's fall and God's subsequent efforts to redeem it. Augustine's work provides a remarkably thorough overview of the desires held by man, much of which is useful when reflecting on what men hope to gain from creating or joining commonwealths and similar entities.

Following these two chapters on mankind's condition apart from the commonwealth and the desires that motivate it, the third focuses on the ways in which the three philosophers believe a commonwealth can satisfy certain commonly held desires or protect the natural rights of its members. Though all three consider a commonwealth to be of benefit to men in their efforts to preserve themselves, other reasons to welcome the creation of one are not as universally agreed upon. The fourth chapter delves into how Hobbes and Rousseau describe a commonwealth's establishment and what forms the

resulting institution may take. In reviewing their respective commonwealths, this chapter reveals the influence that their perspectives on man's desires and rights have on the way in which they believe these institutions should actually be arranged. Disparate views on where sovereignty is held in a commonwealth, largely drawn from their similarly disparate views on the natural rights of men, are responsible for some of the most noticeable differences in their models.

The concluding chapter begins with a review of two definitions of a commonwealth that are found in Augustine's *City of God*. One focuses heavily on right, while the other prominently features the mutually-held affections of those who participate. These definitions serve as a framework for summarizing how all three philosophers define commonwealths and the roles that right and affection play in each of their definitions. While no singular definition necessarily emerges from the totality of those provided, a much clearer sense of why commonwealths exist, what qualities define them, and what gives them the right to exercise authority does result.

Hobbes, Rousseau, and Man Apart from the Commonwealth

To properly understand the relationship between desire, right, and the commonwealth, it is important to survey the human condition prior to a commonwealth being established. Hobbes and Rousseau both undertake this endeavor, providing detailed analyses of mankind's existence in the state of nature that reflect on both the challenges and benefits that may be found in it, as well as the internal motivations and desires that such a condition produces in men. Reasoning on the basis of what they observe, they also proceed to draw conclusions on the rights inherently afforded to individuals existing in it. Their depictions of such circumstances and the natural rights they suppose to be afforded men both differ dramatically; however, the motivations believe to be naturally held by mankind feature striking similarities. This being the case, considering the two visions alongside one another produces a modest spectrum of the incentives that mankind has to formally unite their forces by way of commonwealth or otherwise, as well as the sources of the authority they have for doing so.

When observing mankind apart from the commonwealth, Hobbes recognizes two defining characteristics: equality and warfare. He considers men to be equal in that the weakest, though he may require the assistance of others (or of a device), is not so disadvantaged that he is incapable of killing the strongest.[1] Concerning the "faculties of the mind", Hobbes finds an even greater level of equality among them, recognizing that, apart from the arts that are "grounded upon words" and the sciences, experience generally affords a similar measure of prudence regarding a given activity to all who apply themselves to it for similar periods of time.[2] He adds to this the observation that each man generally considers himself to be among the wisest, a sense of contentment, which Hobbes takes as a one of the greatest signs that wisdom is, indeed, distributed in generally uniform measure to most or all.[3]

From this position of general equality, Hobbes supposes that men have similar hopes of attaining their particular desires,[4] and, should two share a common desire for something that only one of them can enjoy, he considers them enemies, set on destroying or subduing their opponent in their attempts to attain

[1] Lev, 98
[2] Lev, 98
[3] Lev, 98
[4] Lev, 98

the object.[5] Though he concedes that less essential wants can also create enemies, he recognizes self-preservation as the primary aim of men and the most common cause of warfare among them.[6] Thus, should a man have only his own power to rely upon for defending himself and his possessions, Hobbes considers it likely that others will combine forces and take any desirable items he has for their own benefit, though these aggressors would then be under similar threat from others whose power may be superior to their own.[7] Given such circumstances, Hobbes considers it impossible for a man to secure himself,[8] a condition he describes as "war", specifically, one of "every man, against every man".[9] He does not define this condition as a constant battle, necessarily, but as a continual disposition toward fighting,[10] stemming from this lack of security one has against those around him.

Though rights and laws proceeding from human institutions do not yet exist in such a state, Hobbes recognizes several proceeding from nature, itself, which are theoretically valid in it. The first right he recognizes is the liberty each

[5] Lev, 98–99
[6] Lev, 99
[7] Lev, 99
[8] Lev, 99
[9] Lev, 100
[10] Lev, 100

man has to use his power to preserve himself according to his own judgment.[11] From here, Hobbes puts forth his fundamental law of nature, saying that, given the condition of war into which man is placed and supposing that anything he can make use of would be useful in his efforts to defend himself against his enemies, "every man has a right to every thing; even to one another's body".[12] This supposed right denies security to any in such a state, as all have the right to each other.[13] Since he considers such a life to be "solitary, poor, nasty, brutish, and short",[14] Hobbes claims that every man should generally seek peace and may use any advantage to obtain it, even war, if it is not obtainable, otherwise.[15]

Hobbes's vision of human existence prior to the establishment of a government is largely defined by a constant struggle to survive, and he affords extreme license to mankind in their seemingly desperate efforts. A hundred men who have fallen into a deep pit, crawling on top of one another in hopes of reaching the surface to breathe and to avoid being crushed could provide a suitable metaphor. Each one is thoroughly focused on his own preservation and, in accordance with Hobbes' position, has the right to anything necessary for the

[11] Lev, 103
[12] Lev, 103
[13] Lev, 103
[14] Lev, 100
[15] Lev, 104

sake of this endeavor, including the body of the men directly above or below him who may perish because of his efforts. It is possible, though not guaranteed, that if they arranged themselves in a certain manner, they would have the opportunity to both take turns breathing in an organized fashion and avoid crushing the ones toward the bottom (they might even get out of the pit, altogether); however, given that some may perish in their current position before efforts to coordinate bear fruit, they continue to push themselves towards the top at the expense of their neighbors.

In Hobbes' state of nature, it is essentially impossible to guarantee the preservation of one's life, as the potential threats from other men are seemingly endless. Such is the state of war. Each individual is in a desperate struggle to achieve any sort of security against the host of dangers threatening his life. Therefore, according to Hobbes, so long as there is no government, any action is just,[16] especially when it is taken in an effort to survive. As he views the circumstances of individuals apart from government to be so harrowing and uncertain, marked by fear and the threat of violent death,[17] he does not hold them accountable for neglecting to address their plight in a more civilized, or at

[16] Lev, 113
[17] Lev, 100

least orderly, manner.

Before analyzing Rousseau's vision of human life in the state of nature, it is important to recognize the qualifications he places on efforts to properly portray one at all. He considers the natural human condition tremendously difficult to study for two main reasons. Firstly, he finds it difficult to study because of how elusive such a condition has been. He did not believe it could be observed on earth at the time of his writing and seriously questioned whether it ever existed in the past or could exist in the future.[18] His doubt of such a state existing in the past primarily stems from his belief that the first man was enlightened and instructed by God, Himself, meaning that life in the state of nature would have had to come about due to some sort of significant regression from mankind's actual initial position.[19] Secondly, Rousseau considers existing descriptions of this state suspect due to the propensity of his contemporaries for importing qualities that belong to civilization and civilized men, such as authority, need, oppression, and pride, into depictions of the state of nature and natural man; a tendency which he says prevented any of them from ever actually

[18] DoI, 52
[19] DoI, 62

reaching the true state of nature in their analysis.[20]

Regardless of these challenges, understanding this "original man" (natural man, not the first man), his "true needs", and the "fundamental principles of his duties" is exceptionally important to Rousseau, as he claims that doing so is the only proper way of resolving the inconsistencies in man's understanding of the "true foundations of the body politic", the "reciprocal rights" of those who are a part of it, and a host of other similar concepts.[21] Though he therefore considers it important to attempt to understand natural man, he claims that, due to the limitations involved, efforts to do so are at best useful for hypothesizing about the above subjects and clarifying them, while being far from true historical depictions of our initial state.[22]

When trying to answer these questions concerning right and the establishment of governments, Rousseau begins from a point in the course of human development that he believes to considerably precede the one depicted by Hobbes. Rather than beginning with men living a horrible life of constant competition and uncertainty, Rousseau believes that the true natural state of mankind was all but devoid of reasons to compete and actually the condition

[20] DoI, 62
[21] DoI, 55
[22] DoI, 62

that suited man best.[23] In his *Discourse on Inequality*, Rousseau envisions natural man having his hunger satisfied by the yield of the very tree that provides him shelter, and his thirst satisfied by a nearby stream.[24] He also sees a strong, vigorous being; a man who has grown accustomed to terrible weather, fatigue, and defending himself against the ferocious beasts he encounters.[25] Having gained a reputation for being a worthy opponent, this man commands the respect of these predators and hardly worries about them.[26] Furthermore, lacking the tendency toward excess that marks life in society, whether it be excess idleness, labor, or consumption of food, for example, Rousseau notes that those who lived the 'savage life' around the time of his writing proved to be physically healthier than their more civilized counterparts, attributing this to their lives being lived in closer accordance to nature's intentions for us.[27]

While natural man's outward frame may be healthier and more powerful than that of his weak, timid civilian counterparts,[28] one of the greatest advantages that Rousseau supposes him to have is his remarkably simple set of desires and fears. Rousseau recognizes two means by which desires and fears

[23] DoI, 82
[24] DoI, 66
[25] DoI, 66, 70
[26] DoI, 67–68
[27] DoI, 68–69 He cites, for example, lives of the Caribs that had been encountered in Venezuela
[28] DoI, 68–69, 70

come into being: the conceptual ideas one can hold and the "simple impulse of nature".[29] Assuming that he lacks any form of enlightenment, natural man's concerns would be limited to the passions produced by the latter, meaning that his desires are satisfied when he has even the simplest of necessities (such as food, water, and shelter), and he fears little more than pain and hunger (Rousseau supposes that his lack of knowledge about death would prevent even this from being a major concern).[30] Conversely, civilized man is beset with numerous passions produced by life in society which natural man would find it difficult to even comprehend.[31] According to Rousseau, the burden produced by these passions outweighs the benefits civilized men gain from being better enlightened of the virtues.[32] Though in *On the Social Contract*, Rousseau clarifies that the overall benefits of the civil state outweigh the benefits of the state of nature, the former allowing man's faculties to better develop and his soul to reach an "elevated" state,[33] this does not discount the advantages that the state of nature affords. The natural man may be "limited",[34] but his limitations allow him to avoid a significant amount of strife.

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[29] DoI, 73
[30] DoI, 73
[31] DoI, 82
[32] DoI, 82
[33] OSC, 55–56
[34] OSC, 56

Given the ease with which Rousseau believes that man in nature is capable of sustaining himself and satisfying his passions, he considers this to be the state in which our preservation is 'least prejudicial' to the preservation of others.[35] Instead, it is civilization that he paints in the more harrowing light. Beyond the tension caused by the desires civil life creates in men, Rousseau also considers civilization to suffer due to its customs and artificially established manners, which allow people to conceal their real selves by projecting a well-refined, deceptive image of themselves to those around them.[36] Rousseau believes that a host of vices flow from the deep sense of uncertainty caused by this perpetual falsehood, including suspicions, fears, hatred, and betrayal, all of which in turn also make use of the "deceitful veil of civility".[37] The rustic man, who appears to be a modern relative of Rousseau's natural man, is not weighed down by any of these woes, as his disdain for the opulence and fancies of civil life allow him to remain aloof from such strife and the ensuing vices.[38] Should rustic man's aversion to this host of unnecessary desirables be of benefit, natural man's complete unawareness would act similarly. Such a state of ignorance would prevent concern about these perpetual causes of strife and discord from

[35] DoI, 82
[36] DSA, 12–13
[37] DSA, 13
[38] DSA, 13

having the opportunity to take root in him at all, leading Rousseau to conclude that, should peace among men be possible anywhere, it would be in the state of nature.[39]

From this position, Rousseau further diminishes the likelihood of competition in the state of nature, citing the limited number of interactions that he believes would occur in it, whatsoever. While he expects opportunities to unite efforts in such a state (possibly for the sake of capturing a prey) to be rare, he expects circumstances that would place men at odds with one another to present themselves even less frequently.[40] When describing what mankind's existence might be like "scattered in the woods among the animals" without an established residence, he estimates that people may interact with one another only twice in an entire lifetime, encounters which might not even include an exchange of words.[41] Furthermore, given natural man's lack of foresight and the difficulties he would have appropriating even the simplest of abstract concepts, Rousseau doubts that his concerns could reach deep into the future (even concerns about the following day were in question),[42] meaning that, should some sort of competition happen to arise, it would probably only involve short-term

[39] DoI, 82
[40] DoI, 93
[41] DoI, 75
[42] DoI, 78, 93

interests. As much as the limited number of interactions made competition all the more improbable, natural man's near-sighted mindset would make any sort of hostility that did arise similarly difficult to sustain.

The distance between the depictions of man from which Hobbes and Rousseau develop their positions on natural rights and government may be due to Rousseau's focus on civility and the perceived chains it placed on mankind. Hobbes, not making this distinction, starts from the position that human life, in general, is defined by war apart from the establishment of a commonwealth; thus, he affords men the rights of war as natural rights. Rousseau's view is more nuanced. Beginning from the position that natural man lived in a state of general peace and well-being, he proposes that the woes which presently beset man could primarily be traced back to various developments in human civilization. Three primary ones were the sedentary life afforded by the establishment of shelters,[43] the introduction of the concept of property,[44] and the introduction of cooperative endeavors in metallurgy and agriculture.[45] All of these developments began to produce the bonds that Rousseau perceived to weigh down man as he became increasingly civilized. His sedentary way of life gave him the

[43] DoI, 94
[44] DoI, 99
[45] DoI, 97

opportunity to spend time developing unnecessarily burdensome desires,[46] property came with concerns of it being lost,[47] and industrial endeavors increased the inequality among men,[48] resulting in them being dependent on one another, as those who became wealthy required the labor of the poor, those who became poor required the assistance of the wealthy, and those between were indebted to one or both of the other classes.[49] Life in nature not including significant levels of human combat, Rousseau believes that the "consuming ambition" to improve one's circumstances in this civil arrangement (more for the sake of lording one's success over others than out of necessity) was the true inspiration for violence among men.[50] No longer independent and easily satisfied, they were at odds with one another, as "domination and servitude, or violence and plunder, began to arise" and society succumbed to "the most horrible state of war."[51] Thus, while Rousseau maintains that a condition quite like Hobbes's state of war eventually emerged as a result of substantial human development, he considers it to be far from man's natural state, thereby removing the possibility of it being a basis for natural rights.

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[46] DoI, 94
[47] DoI, 99
[48] DoI, 97, 99
[49] DoI, 100
[50] DoI, 100
[51] DoI, 101

A final distinction, found deep within man's own soul, separates the depictions of man's initial condition put forth by Hobbes and Rousseau to an even greater degree. Hobbes supposes men to be motivated exclusively by self-interest, with little or no exception.[52] Rousseau, however, recognizes in men a natural predisposition to help, rather than exploit, one another, that Hobbes does not incorporate into his perspective. In the *Discourse on Inequality*, Rousseau claims to perceive two principles that precede reason in the human soul.[53] The first, generally in keeping with Hobbes's position, focuses on "our well-being and our self-preservation";[54] however, the second "inspires in us a natural repugnance to see any sensitive being, and principally our fellow humans, perish or suffer".[55] Thus, though he holds with Hobbes that we are naturally predisposed to focus on our own preservation, Rousseau also recognizes pity, a portion of the human soul that detests seeing others in pain and calls us to the aid of those in need.[56] Such a disposition would, in many circumstances, counter or temper the drive for self-preservation, specifically when a more favorable

[52] Lev, 98–99
[53] DoI, 54
[54] DoI, 54
[55] DoI, 54
[56] DoI, 85

position would come at the expense of others[57].

Describing the "concurrence and combination" of these two principles in our mind, Rousseau says that, unless men resist their "inner impulse of commiseration", they will never harm another sentient being except when one's own self-preservation is at stake, in which case one may be obliged to preferring his own well-being to another's.[58] Even in such instances, Rousseau holds that this deep disdain for seeing others suffer would challenge our similarly natural aversion to entering harm's way.[59] Instead, it is from reason and philosophy that he believes our self-centered disposition emerges. Rousseau claims that it is reason that "turns man back upon himself" and philosophy that isolates him.[60] It is philosophy, he says, that allows man to say to a suffering peer "perish if you will, I am safe".[61] Therefore, rather than arriving at Hobbes's conclusion, which he summarizes as man being naturally evil and vicious because he does not have knowledge of goodness and virtue,[62] Rousseau continues to blame civility, rather than nature, for our woes, charging reason and reflection with giving civil man

[57] DoI, 82–83
[58] DoI, 54–55
[59] DoI 82–83
[60] DoI, 84
[61] DoI, 84
[62] DoI, 81

the ability to stifle the very natural pity he has for those who are in distress.[63] Such positions suit their disparate visions of man in his natural state. In the *Discourse*, Rousseau references Hobbes's analysis, specifically, saying that his fellow philosopher mistakenly imports what he observes in civil man into his depiction of natural man, leading him to ascribe to the latter passions that simply would not exist in him, as the same ignorance that would prevent natural man from understanding virtue would also prevent him from doing evil.[64] It is only once civilization fills him with desire and places him at odds with his fellow man that Rousseau believes such a cold disposition would emerge.

Keeping this complete depiction of natural man and his circumstances in mind, it is of little surprise that Rousseau rejects Hobbes's assertion that mankind is inherently in a state of war.[65] With so few reasons to compete, so few interactions with his peers, interests that usually span no longer than a day, and a benevolent disposition towards his fellow man (which is shared by them), Rousseau's natural man would hardly seem to exist in a proverbial powder keg. This idea that men are not enemies by nature[66] and less likely to be at odds with one another in nature than in any other state is important to his view of the

[63] DoI, 84
[64] DoI, 82
[65] OSC, 50
[66] OSC, 50

rights inherently afforded them, as it provides strong support for his claim that one does not have the right to enslave another simply because he is more powerful.[67] Though, similar to Hobbes, Rousseau says that everybody has the right to everything in nature and one does not have to recognize something as belonging to another unless it is useless to himself,[68] he does not include the bodies of others in this category of commonly held objects[69] and rejects the urgency of natural man's fight to survive as a justification for violence, since he does not anticipate this endeavor being particularly competitive.[70] By holding the claim that mere force does not establish right[71] along with this position that men, naturally disposed to living at peace, are not enemies by nature, Rousseau is able to characterize those who treat others violently or threaten others with violence as brigands, rather than conquerors or victors.[72] It may be necessary to yield to such a person's power, but this would merely be out of necessity, not of will, similar to a ship being blown off course by a strong wind caught in its sails.[73] Though acquiescing to the mighty may be prudent, one has no duty to do so. In fact, Rousseau finds no means by which a man has "natural authority"

[67] OSC, 48, 51
[68] OSC, 66
[69] OSC, 49
[70] DoI, 82
[71] OSC, 49
[72] OSC 49, 51
[73] OSC, 48

over others,[74] making the establishment of any right to kill or enslave in relations among men apart from the commonwealth essentially impossible.[75] One may have the *ability* to accomplish this, but not the *right*. In nature, he says that an individual only owes others what he promises them[76] and claims that there is no way for one to legitimately surrender his right to his own life to another, as renouncing one's freedom would be to "renounce one's status as a man" and doing so is "incompatible with the nature of man", itself.[77]

The respective views of natural rights held by both philosophers well suit their visions of life apart from the commonwealth and, should they be held by men at any given time, would quite certainly contribute to the perpetuation of the envisioned states. Hobbes, supposing men to be in such a desperate struggle against one another to survive and expecting them to encounter one another with apparent regularity, affords them positive rights so broad that they greatly overlap with those of their neighbors. Each person has the right both to his own body and those of his peers, meaning that all men have the right to all bodies. Should this be held as true, an existence defined by violence and enmity would quite certainly be the result. All men, believing themselves to being entitled to

[74] OSC, 49
[75] OSC, 51
[76] OSC, 66
[77] OSC, 50

each other's bodies in their desperate efforts to survive, would with little doubt be compelled to use the powers at their disposal to force others to perform tasks that would benefit them, an activity which, in Hobbes's view, would be well within their rights to pursue. Conversely, believing that the natural state of men and their natural disposition towards one another are both relatively peaceful, Rousseau grants those who conquer others no rights as a result of doing so.[78] This principle can even be observed in civil circumstances, where Rousseau says that any foreigner who robs or kills members of a society without first declaring war on the 'prince' is a 'brigand', rather than an enemy,[79] therefore affording men no right to another's person or property and recognizing a right held by all which is violated when one's person or property is harmed, unless the harm occurs due to one's role in a conflict between states, Given the peacefulness found in Rousseau's state of nature, he does not provide an example of similar occurrences there, but the same rights would still be held by all.

Rousseau's version of the rights afforded man by nature flow from a peaceful first position and would be likely to perpetuate such peace if they were generally accepted, as individuals would mutually recognize the exclusive

[78] DoI, 104
[79] OSC, 51

authority that each person has over himself. The disparity between this less harrowing initial condition and that depicted by Hobbes would quite certainly be augmented by the degree of empathy that Rousseau recognizes in 'natural man', as well. While Hobbes's state of war features actors who seem to be thoroughly self-interested, Rousseau's natural man possesses a deeply-rooted sense of empathy that would curb or oppose such a self-interested disposition, especially in cases where one's security would be maintained at the expense of others. For example, while a man in Hobbes's state of war may refuse to allow a stranger to share his haven during a storm, as doing so would compromise his own security, Rousseau's natural man, though having similar concerns about his own well-being, would at the same time detest the idea of another sentient being suffering through such an event when he had the opportunity to provide shelter. Though it may be difficult to gauge the degree to which such a sentiment would influence the daily life of mankind apart from government, it would, in all likelihood, make personal relations less volatile than they would be without it.

The views of Hobbes and Rousseau concerning the circumstances, desires, and rights of man apart from the commonwealth may be distinguished best by the urgency and desperation in Hobbes's vision that is not found in Rousseau's. While Hobbes's initial man is insecure and vulnerable, Rousseau's is ruggedly

well-equipped for his life of solitude. Not only is this gap in desperation largely responsible for their differing views on the natural rights of man, it also informs the atmosphere in which their respective commonwealths come to be. The great turbulence of life apart from the commonwealth as depicted by Hobbes would make the establishment of one exceptionally important and leave its subjects greatly indebted to it for their well-being. Conversely, Rousseau's natural men, capable of surviving on their own and living relatively peaceful lives in nature, may not approach the task with the same degree of urgency or view the resulting institution with the same measure of awe. Instead, it is Rousseau's civilized man who would be more likely to seek its refuge in hopes of recovering the initial freedom he lost to the chains that new desires and increasing inequality placed on him in his more developed state.

Augustine, the Fall, and the Two Cities

In *The City of God*, Saint Augustine discusses man's condition as well, though, unlike Hobbes and Rousseau, he does not focus on the distinction between those dwelling outside a state and those dwelling within one. Instead, he focuses on the inner self that is common to all men, as well as man's relationship with God. In doing so, he provides a more nuanced analysis of man's motivations, dividing mankind into two distinct bodies with similarly distinct sets of desires. Eventually, he shows how the incentives and desires that compel one of these bodies leads them to establish temporal governments, while those that move the other prompt it to honor such institutions, once they are in place.

Augustine begins from the position that 'God made man upright' and granted him a good will.[80] He envisions the first man and woman living lives free of 'agitations of the mind' and 'disorders of the body';[81] lives marked by felicity, which were on course to achieve an even greater happiness as man

[80] CoG, 568 (Eccles. 7, 29)
[81] CoG, 567

increased and multiplied in number.[82] It is of little surprise that Augustine has such high hopes for mankind in its initial state. Beyond the exceedingly favorable qualities he ascribes to their persons, he describes their initial dwelling as a 'paradise both material and spiritual', yielding blessings for both man's body and his spirit.[83] Furthermore, concerning the relationships that would exist among men, he believes that God had established a single man as the ancestor of all to provide a sort of kinship that would act as a 'bond of peace', thus forming 'a harmonious unity' among all.[84]

These high hopes, however, were soon to be dashed. Through their disobedience, the first two people eventually fell from this lofty state, and death became the destiny of humanity.[85] Augustine calls this disobedience 'the first evil act of will' and characterizes it as the will's "falling away from the work of God to its own works".[86] This fall, of course, did not occur without assistance. Satan, who had himself already fallen due to his pride and subsequent unwillingness to follow God, was envious of mankind's 'unfallen condition' and

[82] CoG, 567
[83] CoG, 569
[84] CoG, 547
[85] CoG, 547
[86] CoG, 568

therefore made it his aim to seduce and ensnare them.[87] Augustine says that pride caused mankind's fall, like it had caused Satan's, and calls it 'the start of every kind of sin', claiming that nothing other than such a deep desire for personal exaltation could lead one to forsake the correct basis of his mind to become (and remain) 'based on oneself'.[88] Thus, Augustine considers the original evil to be that "man regards himself as his own light, and turns away from that light which would make man himself a light if he would set his heart on it."[89] Once it was made manifest, this evil will, which Augustine describes as a defect in man's nature, brought about more evil as man continued adhering to "the will's own line" rather than to God's.[90]

According to Augustine, this first transgression resulted in man's circumstances and nature both changing dramatically for the worse. Not only did mankind become subject to the continual decay it presently experiences, as well as death,[91] it also began to be 'distracted and tossed about by violent and conflicting emotions'.[92] Man's will, which had once been free, became a servant

[87] CoG, 569–570
[88] CoG, 571 (Ecclus 10, 13; cf. Bk XII, 6.)
[89] CoG, 573
[90] CoG, 568
[91] CoG, 571
[92] CoG, 571

to error,[93] and his punishment for his disobedience was to lose the ability to obey even himself.[94] Augustine describes the totality of this fallen condition in the Fourteenth Book of *The City of God*, saying:

> he who in his pride had pleased himself was by God's justice handed over to himself. But the result of this was not that he was in every way under his own control, but that he was at odds with himself, and lived a life of harsh and pitiable slavery, instead of the freedom he so ardently desired, a slavery under him with whom he entered into agreement in his sinning.[95]

Augustine believes that God has foreknowledge of all things and therefore knew that this fall would occur before it did,[96] as He also foreknew both the evil state to which man would descend and the good He would bring about through mankind's evil.[97] This is only one of the great powers that Augustine ascribes to God, also hailing him as the eternal source through whom all things come into being[98] and the one who directs all creation.[99] Supposing God to possess such great power and authority, he recognizes two relationships men can have with Him: they can exalt themselves and live to please their own flesh, in which case God would bring them low, or they can subject themselves in humble obedience

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[93] CoG, 569
[94] CoG, 575, 601–602
[95] CoG, 575
[96] CoG, 568
[97] CoG, 568
[98] CoG, 307
[99] CoG, 292

to Him who is greater than they are and be exalted while doing so.[100] From these two paths, Augustine distinguishes two kinds of men that God creates, namely 'vessels of wrath destined for dishonour' and 'vessels of mercy designed for honour'.[101] The former, he says are rightly punished by God for their transgressions, while the latter are blessed by Him with a grace they have not earned, themselves.[102]

Such circumstances are possible only because, in spite of His might, God has granted His creation a certain degree of freedom "to initiate and accomplish activities which are their own", thus bestowing upon them a sort of independence while they are still, in essence, fully dependent on Him.[103] People therefore have the ability to do good or evil with that which they have been given, though they should expect there to be consequences for the choices they make. Mankind in this relationship may be well compared to children who are generally allowed to do as they please, but know that they will be punished by the parents on whom they rely for nearly every form of sustenance and protection if they use their freedom for evil purposes. Though the children have a certain measure of liberty, it is clear that this liberty exists only through the

[100] CoG, 572–573
[101] CoG, 635
[102] CoG, 635
[103] CoG, 292

goodwill of their parents who will discipline them in accordance with their actions but provide for them regardless of their good or bad conduct.

It is from this relationship between an all-powerful, all-knowing God and a mankind who has been granted a measured degree of free will, that Augustine begins the depiction of the two 'cities' he perceives to exist on Earth, as well as their respective destinies. One lives in accordance with human standards and is destined to be punished with the Devil for eternity; the other lives in accordance with God's will and is predestined to reign with Him forever.[104] Augustine describes the people belonging to the latter as pilgrims in this world, for their primary citizenship is in a city above, which has not yet been manifested on Earth,[105] whereas members of the former he describes as those who are satisfied with temporal peace and happiness in this realm[106] and lack hope for anything beyond what is found in it.[107] He illustrates this contrast, using the example of Cain and Abel, members of mankind's second generation.[108] Cain, a member of the city of man, founded a city here on Earth, while Abel, belonging to the City of God and therefore being a 'pilgrim and stranger' in this realm, neither founded a

[104] CoG, 595
[105] CoG, 596
[106] CoG, 626
[107] CoG, 627
[108] CoG, 596

city,[109] nor sought power in his brothers.[110]

Among the multiple aims and desires that Augustine observes in the city of man, the primary one is peace in this temporal realm, which it pursues using the things of this world and whatever advantages it may find here.[111] Augustine considers this to be a great mistake, due to the inherent miseries that accompany this life. He chides the philosophers who seek the highest good in this life, citing the deep depths of misery that are experienced during human existence, where the 'primary gifts of nature' are so greatly subject to chance and accident that even the wise are vulnerable to the pains and disturbances which harass a person's physical body.[112] "For who is competent," he asks, "however torrential the flow of his eloquence, to unfold all the miseries of this life?"[113] Still, regardless of how hopeless the endeavor may be, it is this peace through life lived according to the 'standard of the flesh' that the city of man seeks continuously,[114] hoping to achieve it by placating their appetites through the indulgence of both sensual vices, such as drunkenness, and mental ones, such as

[109] CoG, 596 (Gen. 4, 17)
[110] CoG, 601
[111] CoG, 877
[112] CoG, 852–853
[113] CoG, 852
[114] CoG, 547

jealousy.[115]

A second major desire Augustine recognizes in those who belong to this world is a lust for domination.[116] He says that their purpose in offering a gift to God or worshipping other "gods" is merely to increase the likelihood of victory over their adversaries, so that they may both continue enjoying their temporal peace and live in dominion over the vanquished.[117] Augustine cites these desires as the reason for division within human society, recognizing, like Hobbes, that the desires held by many often place them in opposition to one another.[118] As a result, Augustine observes that nobody's desires go completely satisfied, and the various parties oppress one another when they find themselves stronger than their counterparts,[119] desiring only for one peace to be disturbed in hopes that the result be a peace they find more pleasing.[120]

Rather than any sort of peace or blessings in this world, the City of God considers the 'Ultimate Good' to be eternal life, which is attained through living 'rightly' and by faith.[121] Should this truly be the case, however, all of mankind is

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[115] CoG, 549, 872
[116] CoG, 604
[117] CoG, 604
[118] CoG, 762
[119] CoG, 762
[120] CoG, 866
[121] CoG, 852 (Hab. 2, 4; Rom. 1, 17; Gal. 3, 11; Hebr. 10, 38.)

at the mercy of God, for, though Augustine believes that man can turn to wickedness using his own 'free choice', he believes that forsaking evil to do good requires divine assistance.[122] Therefore, attaining the ultimate good would be impossible for man, unless God intercedes. Consequently, it is only through God's grace in the offering of his Son that Augustine supposes a path to the City of God's eternal home can be found.[123] It is this hope of attaining a Supreme Good that cannot be experienced in this present life[124] that motivates the heavenly city during its pilgrimage and distinguishes its citizens from their counterparts while both endure the evils that plague this realm.[125]

As it is to the city of man, peace is also important to the City of God, as Augustine says that without it nobody is able to see God.[126] For the sake of maintaining it, members of that city are therefore instructed in various ways to forgive one another, encourage each other, and embrace other practices that would promote general tranquility among themselves.[127] Peace being so central to their primary aim, Augustine says that, during their time on earth, members of the Heavenly City also benefit from the harmony that results when members of

[122] CoG, 635–636
[123] CoG, 414, 595
[124] CoG, 857
[125] CoG, 857
[126] CoG, 602
[127] CoG, 602

the earthly city reach compromises about matters concerning the present life.[128] As this sort of harmony is desirable to it, he says that the Heavenly City willingly obeys the laws that the city of man puts in place for the sake of maintaining an "earthly peace",[129] so long as those laws do not hinder its adherence to its religion.[130] He even claims that the City of God also joins these efforts, promoting the compromise of human wills concerning the earthly goods that constantly place those belonging to the city of man at odds with one another.[131] He later uses the words of Jeremiah, who told those who were about to be taken captive into Babylon that "in her peace is your peace" and encouraged them to pray for the city of their captors[132] to properly illustrate how intimately connected the interests of the City of God are with the city of man's well-being. Though the Celestial City and the earthly city may otherwise have very different interests, Augustine recognizes that they are unified in this common desire to see governing authorities successfully maintain tranquility in their realm.

While such a desire may be commonly held, this does not necessarily mean that it can be accomplished. Because of its deep attachment to this world

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[128] CoG, 877
[129] CoG, 877–878
[130] CoG, 878
[131] CoG, 878
[132] CoG, 892

and its goods, which inherently bring frustration to those who desire them, Augustine says the city of man is incapable of reaching such a peace, instead being divided by litigation and warfare.[133] As a result, he claims that this city will eventually be condemned at the end of time and subsequently cease to be a city at all.[134] Augustine says that this downfall of those who "presume on their own strength" and "glory in themselves" is in keeping with God's will, citing the Babylonians, whom he describes as the "adversaries of the City of God".[135] Nonetheless, for the duration of this realm's existence, it is the city of man that primarily has dominion.[136] Though he recognizes exceptions, such as the kingdom of the Jews, which was established by God and relied on him before being led astray,[137] Augustine generally describes earthly societies as being established and governed by the city of man[138] while having pilgrims of the City of God living in their midst as obedient subjects.[139] Thus, as they are dominated by the earthly, Augustine expects the societies of man to be subject to the fracturing and strife characteristic of those who are devoted to the pleasures of

[133] CoG, 599
[134] CoG, 599
[135] CoG, 718
[136] CoG, 762
[137] CoG, 177–178
[138] CoG, 762
[139] CoG, 892

this realm,[140] while their members desperately seek the ephemeral peace that constantly eludes them.

[140] CoG, 762

A Survey of the Desires That Make a Commonwealth Attractive

The two preceding chapters provide a modest review of the observations made by Hobbes, Rousseau, and Augustine about mankind and its circumstance apart from established governments, focusing particularly on the desires and rights held by some or all. Their perspectives on these common desires and rights greatly influence the way each of the philosophers approach a commonwealth's formation. Satisfying a commonly-held desire or protecting a natural right, the subjects of this chapter, both serve as incentives for people to establish governments or favor a particular arrangement when doing so. Later, the ways in which natural rights can also place limitations on such institutions will also be considered. Though some incentives may be compatible with the visions cast by most or all of the writers, others are unique to a certain one's depiction of both the challenges people face in relatively uncivilized conditions and the deepest desires they possess. Furthermore, it is also suggested that the challenges produced by the rise of civilization create new incentives that nature itself does not provide.

Among all of the possible motivations for establishing such an institution, uniting efforts so as to more effectively oppose the forces of man or nature that

threaten the lives of its people is the most thoroughly agreed upon by the three. As mentioned previously, Hobbes believes self-preservation to be man's chief desire[141] and Rousseau considers it to be the first of only two principles that precede reason in the human soul.[142] Augustine joins the other two in recognizing this deep desire within humans to preserve themselves, describing the "first and greatest utterance of nature" as a call for a man to be "reconciled to himself" and therefore "emphatically desire to continue as a living being and to remain alive in this combination of body and soul", making this preservation a primary aim of his.[143]

Though they agree that men have a strong desire to preserve themselves, they initially hold very distinct views on the likelihood of men accomplishing this task without the benefits of a secular government, before all eventually arriving at a fairly similar one. Hobbes, supposing life to be defined by war apart from the commonwealth, grants the commonwealth immense importance from the onset. Life is nasty and short in such a state, as the lack of certainty that war produces leaves no room for work, trade, education, or other activities that

[141] Lev, 99
[142] DoI, 54
[143] CoG, 856

produce fruits which conflict guarantees to destroy.[144] Rousseau envisions a more enjoyable existence lived by man in nature than Hobbes does; however, he finds the man dwelling in and molded by civilization to be similarly afflicted. When writing about the social contract and its benefits, he begins with the assumption that "men have reached the point where obstacles to their self-preservation in the state of nature prevail by their resistance over the forces each individual can use to maintain himself in that state",[145] quite certainly referencing the softening effects of civilization[146] that stripped man of his ability to preserve himself in a life of natural solitude.

Similar to Rousseau, Augustine's first man had little or no need for a human government. He lived in a paradise full of all good things, which had been provided by God for his benefit[147] and enjoyed a life of pure felicity, free from want or the threat of evil.[148] Furthermore, his relationships with both God and his companion were marked by unadulterated love,[149] making any intermediary institution designed to protect one person from another unnecessary. Once man fell, however, turning away from God to please

[144] Lev, 100
[145] OSC, 52
[146] DSA, 12
[147] CoG, 566, 574
[148] CoG, 566–567
[149] CoG, 567

himself,[150] Augustine says that he became carnal and was handed over to his carnal self by God, leaving him afflicted and incapable of bringing his mind and flesh into submission under his will.[151] Not only did man become subject to this carnality, he also became subject to death, [152] and mankind's existence started conforming to the miserable condition observed by Hobbes. Their bodies became tormented by a host of illnesses,[153] and their relationships were marred by deep divisions that resulted from each man's efforts to gratify his now corrupted self.[154]

Thus, though their views of man's initial state were quite different, Hobbes, Rousseau, and Augustine all consider man to have eventually reached a point where commonwealths are essential to answering nature's great call to preserve oneself. The aid it provides to this effort is two-fold. Firstly, it provides a means of unifying and organizing efforts in opposition to natural forces. Rousseau considers a unification of efforts essential to overcoming threats posed by nature, as he supposes the individual abilities of modern men to be

[150] CoG, 572
[151] CoG, 575
[152] CoG, 575
[153] CoG, 852–853
[154] CoG, 762

insufficient for doing so and the creation of new forces impossible.[155] Secondly, it provides a means of promoting peace among those within the compact, thereby curbing the threats to an individual's well-being from their fellow men. Hobbes believes that the commonwealth, once established, would be terrifying enough to mold the wills of all to "peace at home" through fear,[156] and Augustine recognizes such institutions as a means of promoting peace through the "compromise of wills".[157] In both cases, the result would be a decrease in the likelihood of suffering harm at the expense of those who are subject to the same institution.

Outside of this primary reason to establish a commonwealth, Hobbes provides further incentives that are not recognized, at least to the same degree, by Rousseau and Augustine. For example, Hobbes considers such established governments to be the only means of bringing men out of the state of war.[158] This is in large part because he believes that covenants are not only impossible to ensure apart from a commonwealth, but completely invalid.[159] He claims that words are alone insufficient to legitimize such an agreement between men for

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[155] OSC, 137
[156] Lev, 132
[157] CoG, 878
[158] Lev, 99, 101, 132
[159] Lev, 113

two reasons. Firstly, since men possess ambitions and passions too great to be reined in by verbal agreements, he finds it impossible to expect them to act in accordance with their word unless some other incentive is involved.[160] Secondly, should it be true that men are at war when apart from the commonwealth, their condition would be one in which deception is highly regarded and can prove very valuable.[161] Thus, unless they are supported by a commonwealth that has the power and right to ensure that each will perform according to his word, Hobbes supposes any such agreement made between men void.[162] Furthermore, he believes that a single power able to 'over-awe' all men is the only means of quelling the destructive quarreling that arises from their competing desires and the resulting strife.[163] Without such a power, he considers their assembling to produce far more grief than pleasure.[164] Since he both ascribes to the commonwealth alone the power to legitimize agreements between men and credits it with making cooperation among men feasible, it is of little surprise that Hobbes supposes the commonwealth to be the only means man has of escaping

[160] Lev, 108
[161] Lev, 101, 108
[162] Lev, 108
[163] Lev, 99
[164] Lev, 99

the state of war. Apart from it, he sees no justice[165] and no peace.[166]

The idea that a human institution is the only means of establishing justice or finding peace is strongly opposed by Augustine, who believes that God ordered all things "in perfect justice"[167] and that any peace men have must be viewed in terms of their peace with God and faithful obedience to His "everlasting Law".[168] It is God who he says "makes men just"[169] and obedience to God's commands to love Him and love one's neighbor that brings about peace.[170] From the latter, Augustine deduces two rules required for harmony among men: "to do no harm to anyone" and "to help everyone whenever possible".[171] He says that men should first apply these principles in their own households,[172] making peace something that not only exists prior to the commonwealth, but enters a nation at the familial level, rather than that of the state.

Furthermore, in his view, it is God, rather than the commonwealth, who allows men to "initiate and accomplish" various tasks, live in fellowship with

[165] Lev, 113
[166] Lev, 100
[167] CoG, 872
[168] CoG, 873
[169] CoG, 718
[170] CoG, 873
[171] CoG, 873
[172] CoG, 873–874

one another, and sustain themselves.[173] He holds that God, the provider of man's temporal peace,[174] is also in control of wars, which He uses as a means of disciplining mankind.[175] Instead of primarily crediting the commonwealth with providing the peace required to flourish and refuge from war, Augustine asserts that it is God who determines whether we find peace as vessels of mercy or continue in punishment as vessels of wrath,[176] claiming that He brings this about for the very purpose of teaching the former to continue seeking His assistance, rather than relying on their own.[177] Even the sort of temporary peace that Augustine believes the institutions established by the earthly city can produce[178] is only made possible because God has granted earthly dominion to certain men, both good and evil, while governing the whole of human history, Himself.[179]

It is worth recognizing that, though this temporary, institutional peace pales in comparison to the tranquility that Augustine believes those who submit their minds to God's rule experience, or when compared to the eternal peace

[173] CoG, 292, 872
[174] CoG, 872
[175] CoG, 291
[176] CoG, 602–603, 635
[177] CoG, 635
[178] CoG, 877, 878
[179] CoG, 176

such people are promised to inherit,[180] he does not completely dismiss the usefulness of such a peace. Since members of the city of man, lacking the peace that results from submitting to God's rule, are full of conflicting desires that put the various factions found in it at odds with one another,[181] a compromise of wills concerning earthly matters is the primary mean they have of securing the earthly peace they seek.[182] As mentioned earlier, Augustine recognizes that customs, laws, and institutions established for this purpose throughout the earth have at least some success in achieving their aims,[183] producing a harmony among men that benefits both cities, since some members of the Celestial City still dwell on earth and therefore must find a way to share what pertains to this world with those belonging to the city of man.[184] Regardless, it is only the heavenly peace that such agreements cannot produce that he says is truly worthy of being called 'peace' whatsoever.[185] That which is afforded by a commonwealth would be hardly worth comparing.

As Augustine holds that God is also just like none other,[186] to claim that

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[180] CoG, 602–603
[181] CoG, 762
[182] CoG, 877
[183] CoG, 878
[184] CoG, 877–878
[185] CoG, 878
[186] CoG, 718

justice would not exist prior to the establishment of a human government would be to ignore the power and righteousness of He who "directs the whole of his creation".[187] Augustine explains that, though God's judgements are perfectly just, they are hidden from our 'mortal perception and understanding'.[188] This is not only because he often punishes transgressors in secret,[189] but also because, regardless of how comfortably the wicked live in this life, or how much affliction the righteous suffer,[190] they will all be judged in the end on the 'Day of Judgement', at which point it will be clear that all of God's judgments have been just[191] when the good receive from Christ 'true and complete happiness', while the evil inherit 'deserved and supreme unhappiness'.[192]

Conversely, Augustine believes that kingdoms can be established that lack justice, themselves. "Remove justice, and what are kingdoms but gangs of criminals on a large scale?"[193] he asks, defining a gang as "a group of men under the command of a leader, bound by a compact of association, in which the

[187] CoG, 292
[188] CoG, 898
[189] CoG, 896
[190] CoG, 897
[191] CoG, 898
[192] CoG, 896
[193] CoG, 139

plunder is divided according to an agreed convention."[194] Should such an entity grow to the point that it gains territory, cities, and subjects, he says that it "openly arrogates itself the title of kingdom",[195] such a title being recognized by men simply because the conquerors had attained impunity.[196] Though any dominion gained in such a way is given by God,[197] this does not mean it must be just, for Augustine says that God grants such gifts to both the good and the evil, while reserving true happiness for the good alone.[198] Regardless of what may come to pass in this life, he believes that such rulers will receive a just sentence in the end from the one possessing "the highest power, the highest wisdom, the highest justice" when all men receive their final sentences.[199] This sort of reasoning can be found even in *Leviathan*, itself, where Hobbes, ascribing God ultimate sovereignty because of his ultimate might,[200] says that He, at the very least, issues natural punishments such as disease, ruin, and oppression for the corresponding sins of intemperance, pride, and cowardice.[201] Regardless of this recognition that misdeeds can be punished by a Creator that certainly precedes

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[194] CoG, 139
[195] CoG, 139
[196] CoG, 139
[197] CoG, 176
[198] CoG, 176–177
[199] CoG, 895–896, 897
[200] Lev, 262
[201] Lev, 269

the commonwealth, he does not withdraw his claim that justice can be found only within it.

Rousseau also opposes Hobbes's claims about the establishment of a common power either liberating people from the state of war or providing the only foundation for justice. In *On the Social Contract*, he claims that war actually requires a level of development in relationships that cannot even be experienced in the state of nature, saying that:

> It is the relationship between things, not between men, that constitutes war; and as the state of war cannot arise from simple, personal relations, but only from proprietary relations, private war between one man and another can exist neither in the state of nature, where there is no stable property, nor in the social state, where everything is under the authority of laws.[202]

This leads him to the conclusion that "War is not, therefore, a relation between man and man, but between State and State, in which private individuals are enemies only by accident".[203] Thus, not only does Rousseau consider the institution of the state unnecessary for saving mankind from war, he holds it to be the only context in which war can exist. While violence between men was

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[202] OSC, 50

[203] OSC, 50 Note: Rousseau does use the term "state of war" to describe the condition of society once in the *Discourse on Inequality* (P. 101), but it appears that he may have been alluding to the state of war, as described by Hobbes, for the sake of showing that it was the result of civil developments, not man's natural state.

possible before states came into being, Rousseau claims that the type of violence that results from war between states is much deadlier, producing all sorts of new horrors with its arrival.[204] Though the state might remove man from the state of nature, he explains that such political bodies remain in the state of nature among themselves,[205] resulting in strife and hatred simply manifesting themselves on a different scale.[206] While bloodshed may result from individual civilians being at odds with one another, Rousseau charges conflict between the great political institutions that they established with producing all the more.[207] When comparing these relations between states to man's life in nature, Rousseau says that "more murders were committed in a single day of fighting and more horrors in the taking of a single city than had been committed in the state of nature during whole centuries over the entire face of the earth."[208]

Rousseau's opposition to Hobbes's assertion that "Where there is no common power, there is no law: where no law, no injustice"[209] stems from his opposing views on human nature and natural rights. Since he rejects Hobbes's

[204] DoI, 104
[205] DoI, 103
[206] DoI, 104
[207] DoI, 103–104
[208] DoI, 104
[209] Lev, 101

position that men are naturally enemies[210] who hold a broad right to do anything necessary to survive,[211] he considers any theft, murder, or imprisonment that is visited upon a person to be injustice, unless they occur within the boundaries of declared war between two powers.[212] Should Rousseau's belief that human life in nature is not war be true, man would not be granted the rights of war until it has been declared.[213] Thus, violent actions apart from a commonwealth are still transgressions against the rights that Rousseau believes men naturally possess.

While he does not agree with Hobbes that peace and right can exist only in commonwealths, Rousseau does consider such institutions to be a means of recovering the freedom that men lost as they grew more civilized. According to him, development had both filled man with a consuming desire to improve his own circumstances, primarily for the vain purpose of occupying a position superior to those of others, and also left him at the mercy of whoever's help he would require to accomplish his aims.[214] To obtain their support, Rousseau says that a man would have to convince others that they have an interest in his

[210] OSC, 50
[211] DoI, 81–82
[212] OSC, 51
[213] OSC, 51
[214] DoI, 100

success, using fear or deception to do so when necessary.[215] Rousseau says that the final result of society moving in such a direction is a despotic tyranny that he describes as a 'new state of nature' in which masters are guided only by their passions and the only law known to subjects is the will of those who exercise authority over them.[216] Observing the distance between such a condition and the 'free and independent' life afforded by nature,[217] Rousseau laments that "Man was/is born free, and everywhere he is in chains",[218] clarifying that "One who believes himself the master of others is nonetheless a greater slave than they."[219]

To overcome this circumstance in which society is governed by the law of the stronger and rulers have no right beyond their ability to subdue their enemies,[220] Rousseau looks to commonwealths instituted through a social contract.[221] Rousseau explains that such a commonwealth would remove the great inequality he holds responsible for man's slavery, as the social contract would require all men to surrender their natural freedom for the sake of coordinating their efforts to protect themselves and their goods, then afford them

[215] DoI, 100
[216] DoI, 115
[217] DoI, 100
[218] OSC, 46
[219] OSC, 46
[220] DoI, 115
[221] OSC, 52–53, 67

a conventional freedom of similar proportion to that which they surrendered.[222] Given that all men completely surrender their natural freedoms, Rousseau says that such an arrangement would create a conventional equality among men and discourage members of the body from advocating for burdensome laws, since one who did so would be subject to the same laws, himself.[223] Through this uniform treatment, Rousseau believes that such a contract would break the yokes that inequality had placed on mankind and grant all a freedom and equality under law that would be comparable to, though distinct from, the freedom men had when living in nature, itself. Instead of a society dominated by the powerful, their vain desires, and their efforts to coerce others into accomplishing their aims, such an arrangement would allow all members of society to participate in governing and require them to adhere to the decisions that they, themselves, make as a body.[224]

Other less significant incentives for establishing a commonwealth may also be found among the three authors. They may, for example, provide a people with the means of becoming powerful to conquer neighboring countries and subsequently expand their realm, a desire that Augustine recognizes in the

[222] OSC, 53
[223] OSC, 53
[224] OSC, 53

wicked,[225] or they may provide an efficient way for those who bear the empathy that Rousseau believes men possess naturally[226] to assist suffering neighbors. Any attention given to such motivations by the three authors pale, however, when compared to the attention they give the reasons already discussed. Providing protection from threats, whether they are posed by other men or by nature, and promoting peace among those involved are the reasons for establishing such an institution that the authors emphasize and agree upon the most. This is reasonable, given that they also agree that men generally possess a deep desire to preserve themselves and to achieve aims that would be hampered by war, tyranny, or other forms of oppression. Rousseau's belief that such institutions would allow men to regain their lost liberty and Hobbes's assertion that they provide the foundation of justice are also significant, though the latter would be rejected by both Augustine and Rousseau. Regardless, none of the three perceive freedom and justice to be as immediately attractive to men as their preservation. Though they are quite certainly higher ideals, they are also seemingly weaker incentives.

[225] CoG, 154
[226] DoI, 54

Covenants and Compacts: Hobbes and Rousseau on the Institution of Commonwealths

Having now ascertained a general understanding of the desires that encourage people to establish commonwealths, as well as the rights that they possess to do so, consideration may be given to the ways in which these institutions are formed. While their depictions of man's condition outside of the commonwealth started a great distance apart and converge as Rousseau's mankind became more civil, the descriptions that Hobbes and Rousseau respectively provide of a commonwealth's institution possess noticeable similarities at the onset, but bear key distinctions that have the potential to produce strikingly different relationships between a government and its people. Hobbes begins by saying that for people to create an entity sufficiently powerful to defend them from both their common enemies and one another, they must "confer all their power and strength upon one man, or upon one assembly of men" who could reduce their host of wills to a single one and thus "bear their person".[227] To do so, the people make a covenant with one another in which they surrender their rights to govern themselves to this assembly or person and grant it full authority to do whatever it sees necessary with respect to the peace and

[227] Lev, 132

safety of all.[228] It is this assembly or individual in which all are united that Hobbes describes as the "COMMONWEALTH"[229] and to which he ascribes sovereign power over all those who yielded their rights to it.[230]

This sovereign power can be gained either by acquisition, in which the subjects are forced into submission by the sovereign, or by institution, in which those involved willingly choose the sovereign through an agreement made among themselves.[231] Though acquisition may at first seem to be an unusual way for a commonwealth to come into existence, Hobbes considers it to be a legitimate one, since he starts from the position that men are naturally at war. Believing this to be the case, he claims that those who conquer are acting within their natural rights when doing so and those conquered live only at the mercy of the victors.[232] Even this position might seem indefensible, due to his prior claim that covenants made in the state of nature are not valid; however he later qualifies this claim, saying that covenants "extorted by fear" in nature are.[233] In fact, he considers the fear of the people to be the primary means by which any

[228] Lev, 132
[229] Lev, 132
[230] Lev, 132
[231] Lev, 151
[232] Lev, 133
[233] Lev, 110

sovereign is established,[234] attributing dominion established by acquisition to the people's fear of him "that hath their lives and liberty in his power" and dominion established by institution to their fear of one another.[235] In either case, it is by the consent of those who will become subjects that he claims sovereignty is established,[236] the former arrangement bearing striking similarities to Augustine's unjust kingdom established by a powerful gang, and the latter resembling Rousseau's commonwealth established via social contract.

Regardless of the means by which it is gained, once power has been conferred to a sovereign in a Hobbesian commonwealth, it is absolute and irrevocable.[237] Any right pertaining to the making of rules (including civil laws[238]), judgements, and war Hobbes fully ascribes to the sovereign, as well as both the right to choose all counselors and ministers and the right to punish arbitrarily where previous laws do not exist.[239] Conversely, the rights of the people are greatly limited. He considers dissent against the establishment of a

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[234] Lev, 151
[235] Lev, 151
[236] Lev, 154 Hobbes explains that the "rights and consequences" of dominion obtained by acquisition come from the consent of the conquered, then explains that it is equal to sovereignty gained by institution several paragraphs later, implying that sovereignty by institution is gained through consent of the subject. He references the previous chapter in this argument, probably meaning page 132, which describes the covenant made between subjects by which sovereignty is established.
[237] Lev, 134, 136
[238] Lev, 198
[239] Lev, 138–139

sovereign unjust, since he holds that those who take part in the covenant consent to that which is decided by the majority, even if they do not desire the sovereign that is chosen.[240] Similarly, once they are subjects, he gives them no right to protest against the sovereign[241] and calls any accusations made by one of them against the sovereign unjust, maintaining that "every subject is by this institution author of all the actions, and judgements of the sovereign instituted".[242] Thus, to accuse the sovereign, Hobbes says, would be to accuse oneself, which he dismisses under the claim that to injure oneself is in some way "impossible".[243]

Hobbes holds sovereignty to be irrevocable in that nobody can depart from the covenant or change the form of government without the sovereign's permission,[244] and the sovereign cannot revoke his own sovereignty.[245] Though all members would establish a commonwealth by making covenants with one another, Hobbes considers it impossible for sovereignty to be conferred through these mere "words and breath" that he claims have no weight beyond what they gain through the power and authority of the commonwealth, itself.[246] Should a

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[240] Lev, 136
[241] Lev, 172
[242] Lev, 136
[243] Lev, 136
[244] Lev, 134
[245] Lev, 135
[246] Lev, 135–136

sovereign gain authority by way of covenant, this would imply that some sort of agreement might exist between the people and the sovereign to which the latter could be held accountable. Since Hobbes does not believe that sovereignty is divisible in any manner,[247] an arrangement in which the sovereign is somehow limited by those who elected it seems absurd to him.[248] Though the sovereign is elected by the majority,[249] he considers the aforementioned rights of sovereigns, once conferred, to be the incommunicable, inseparable essence of sovereignty, itself.[250] Should this be the case, a sovereign would hold such powers by right, not by mutual agreement, and therefore have no need to give account to those who had chosen him. Sovereignty in a Hobbesian commonwealth may be held entirely by the people, which he defines as a popular commonwealth or democracy, but not divided.[251] Whether it is held by one, some, or all, he believes that it must be held indivisibly.[252]

Rather than the choosing of magistrates, Rousseau considers the creation of a "people" to be the real foundation of society.[253] Thus, instead of first

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[247] Lev, 142
[248] Lev, 136
[249] Lev, 136
[250] Lev, 139
[251] Lev, 142
[252] Lev, 142
[253] OSC, 52

examining how a people might go about electing a king, he begins by considering the way in which "a people becomes a people".[254] Without a prior agreement, he sees no basis for majority rule or similar conventions that appear to assume some sort of understanding among all who are involved.[255] Rousseau calls this initial agreement through which a society is essentially born the social compact[256] and holds it up as a means by which men can overcome the natural obstacles that individuals are no longer able to conquer on their own.[257] Since he does not believe that men are capable of creating new forces, unification of their existing powers is the only way that he claims they could achieve success in this endeavor.[258] He also believes that these unified powers would need to be propelled by a "single motivation" and act in a cooperative manner if they hope for preservation to be achieved.[259]

Given the importance that he places on freedom and equality, Rousseau emphasizes that such a compact would allow men to create this common force without each individual placing himself in a disadvantageous position.[260] Similar

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[254] OSC, 52
[255] OSC, 52
[256] OSC, 52–53
[257] OSC, 52
[258] OSC, 52–53
[259] OSC, 53
[260] OSC, 53

to Hobbes's founding covenant, the social compact is an agreement among all who are involved, in which they mutually surrender all of their rights for the sake of forming a great power designed to promote their own well being.[261] The major distinction between the two, however, is that in the social compact members of society always receive back as citizens the same measure of rights that they surrender as subjects.[262] The arrangement greatly resembles Hobbes's description of a democracy. As citizens, all members of society participate in directing the movement of the whole, while, as individuals, they are subject to the decisions made by the citizenship.[263] Through this "act of association", all the members form a "public person" that Rousseau describes as a republic or body politic.[264] It is in such an association that Rousseau believes a 'people', rather than a mere group of individuals, truly exists,[265] and through which men can enjoy the benefits of cooperation without having to personally sacrifice any measure of authority.

Once such an arrangement exists, it is in the republic that Rousseau places sovereignty, claiming that

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[261] OSC, 53
[262] OSC, 53
[263] OSC, 53–54
[264] OSC, 53–54
[265] OSC, 54

> Just as nature gives each man absolute power over all his members, the social compact gives the body politic absolute power over all its members, and it is this same power, directed by the general will, which...bears the name sovereignty.[266]

He does qualify this ascription of power, saying that when a man agrees to the social compact, he yields to the republic only the part of his possessions that are of interest to the community, though it is the republic that determines what this may be.[267] Rousseau also denies the general will the right to lay a heavier burden upon one subject than another.[268] Since any convention that is not based on the social compact would be illegitimate, all legitimate conventions established by the sovereign would treat men with the same degree of equality that this founding document does.[269] The only other limitations that Rousseau finds on the power of the sovereign are the natural limits of the bodies that hold it. For example, he says that the people cannot promise "simply to obey" a private will and truly maintain the body politic at the same time.[270] Thus, should a people do so, they would no longer fit Rousseau's definition of 'a people' and, consequently, no longer be sovereign.[271] Similarly, he claims that the body politic cannot involve itself in the particulars of a specific circumstance, as this would be

[266] OSC, 62 (removed "as I have said")
[267] OSC, 62
[268] OSC, 63–64
[269] OSC, 63
[270] OSC, 59
[271] OSC, 59

contrary to the way in which the general will relates to a people.[272] Since the general will gains its sovereignty through a compact that applies to all participants similarly and is limited to the interests of the community as a whole, Rousseau says that it "should be general in its object as well as in its essence"[273] and considers it incapable of placing "any burden that is useless to the community" on its subjects.[274] He applies this reasoning to all aspects of the social compact, saying any violation of it by the sovereign, including the alienation of any portion of its members, would "violate the act by which it exists" and consequently end its own existence.[275]

Sovereignty in Rousseau's republic being held by the whole of its members, its governing authorities serve as an intermediary between the people as sovereign and the people as subjects.[276] In such an arrangement, the power of kings or similar magistrates is derived from their having been installed by the people themselves.[277] Rousseau claims that such an arrangement would be established through two acts. Firstly, a law would have to be put into place by

[272] OSC, 62–63
[273] OSC, 62
[274] OSC, 62
[275] OSC, 55
[276] OSC, 78
[277] OSC, 78–79

the citizenship calling for such a magisterial position to be established.[278] Once this occurs, the people would then elect members to serve in those positions.[279] Rousseau stresses that these positions are purely representational. Should the people be "legitimately assembled", the authority of the government is suspended, as this representational function is rendered unnecessary in the presence of the sovereign itself.[280]

That being said, when an established government performs its intermediary role, Rousseau believes that the power afforded it would need to be equal to that of the people for a "good equilibrium" to exist in society. [281] So long as the powers afforded to citizens as sovereign and the government as executors of law remains balanced, the people would have a means of preventing governmental abuses, and the government would have a means of preventing subjects from transgressing laws established by the general will.[282] Rousseau adds to this the provision that the power afforded both the citizenship and the government should be proportionally greater in larger republics as a means of accounting for the greater disparity between the will of the individual subject

[278] OSC, 105
[279] OSC, 105
[280] OSC, 101
[281] OSC, 79
[282] OSC, 80

and the general will.[283] Since a member of a larger body politic would comprise a smaller portion of the citizenship but still relate to the government as a subject in the same manner as those of smaller republics, Rousseau anticipates the strain placed on the relationship between sovereign and subject increasing as a republic increases in size.[284] He therefore believes that the magistrates would need greater force to restrain the private wills of subjects in large republics and that the citizens would in turn require the means to prevent this more powerful government from using its authority in an abusive manner.[285]

Regardless of a republic's size, Rousseau promotes the institution of a 'civil religion' unique to it for the sake of fostering among its subjects an affection for the laws of their country and a desire to serve it.[286] He dismisses most religions as insufficient for doing so because they either require adherents to simultaneously have two sets of governments, leaders, and homelands, which could lead to the destruction of 'social unity', or because they are deceitful and subsequently prone to superstition, tyranny, and exclusivity.[287] Though the latter form could be used to instill in people a love for their homeland and its laws,

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[283] OSC, 80
[284] OSC, 80
[285] OSC, 80
[286] OSC, 130–131
[287] OSC, 128

Rousseau considers its propensity for placing their adherents violently at odds with all others and subjecting them to empty ceremonies unacceptable.[288] Finally, he dismisses "true" Christianity due to the great indifference that it places in men towards the secular realm.[289] Recognizing with Augustine that Christians are uniquely concerned with heavenly matters and generally uninterested in their circumstances on earth, he does not find in them any significant desire to see their state prosper.[290] Furthermore, he believes that their charitable disposition would allow them to be easily deceived by ambitious usurpers who would also benefit from the Christian belief that their authority came from God and consequently requires obedience, should they succeed in acquiring the positions of power that they seek.[291]

Other religions being insufficient for instilling in the members of a state a love for its laws and a willingness to lay down their lives for it, Rousseau advocates for the establishment of this "civil religion".[292] The articles of this religion would be "sentiments of sociability without which it is impossible to be

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[288] OSC, 128
[289] OSC, 128–129 He distinguishes between "true" Christianity and Roman Catholicism, which he places in the category of religions that establish a second government and homeland
[290] OSC, 129
[291] OSC, 129
[292] OSC, 130–131

a good citizen or a faithful subject."[293] He says that these dogmas ought to include "the happiness of the just; the punishment of the wicked; the sanctity of the social contract and the laws" among other things, such as an exclusion of intolerance, that would encourage a state's members to be sociable and faithful to their respective duties.[294] Though he does not say that anybody should be required to believe them, he grants a state's sovereign the right to banish any from their realm who do not,[295] revealing how essential he expects this "purely civil profession of faith"[296] to be to a commonwealth's wellbeing.

Temporarily setting aside the clear differences in Hobbes's and Rousseau's respective depictions of the commonwealth, there are several qualities that these models share from their very establishments. Firstly, both commonwealths come into being through a mutual agreement made among men to surrender their rights in return for the increased security that stands to be gained from the resulting institution.[297] Rousseau's social compact requires this complete surrender of every individual's rights as much as Hobbes's founding

[293] OSC, 130
[294] OSC, 130–131
[295] OSC, 130–131
[296] OSC, 130
[297] Lev, 132; OSC, 52–53

covenant.[298] The resulting relationships between the subjects and the governing authorities reflect this similarity. With the noticeable exception of a commonwealth established by acquisition, all subjects are bound by an agreement to which they freely consented that requires them to honor the authority of the established governing bodies, provided that the governing bodies are acting within their right. Breaking this covenant (or in Hobbes's view, even dissenting), renders the agreement null and returns the relationship between the individual and the body politic to that of entities in nature.[299]

Secondly, both hold sovereignty to be indivisible and absolute. Rousseau claims that the right to tax, the right to make war, and executive powers in general are not actually parts of sovereignty, but "emanations" of it.[300] Many of these rights that others suppose to be "acts of sovereignty", he places beneath the sovereign, considering them means of executing the sovereign's will.[301] He describes trying to divide sovereignty itself, among multiple entities who hold these distinct rights, as taking the social body apart, then putting it back together

[298] Lev, 132; OSC, 53
[299]Lev, 134; OSC, 53
[300] OSC, 60
[301] OSC, 60

in an unusual manner.[302] Regardless, Rousseau claims that doing so is not even possible, as the only sovereign that can exist in a commonwealth is the general will.[303] If the will acting is not the general will, it is not the sovereign.[304] The "declared will" in such a case could be a governmental decree, but even then the authority of the entity making such a declaration would come from the general will itself, the latter being the only one that can establish law.[305] According to Rousseau, any division of the general will's sovereignty would result in that sovereignty being destroyed.[306]

Hobbes similarly claims that the powers of sovereignty cannot be divided.[307] Though he also attributes to the sovereign the right to make war, pronounce judgements in controversies, appoint magistrates, and undertake other activities that Rousseau would place beneath it,[308] he agrees with Rousseau that all governors and similar magistrates have no sovereign power of their own, but only the rights and authority they have been granted by the sovereign

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[302] OSC, 60 He compares this to Japanese charlatans who could supposedly cut up a person and toss the parts into the air, only to have the person come down alive and in one piece.
[303] OSc, 59
[304] OSC, 59–60
[305] OSC, 60
[306] OSC, 100
[307] Lev, 139
[308] Lev, 138–139

itself.[309] According to Hobbes, subjects must only obey such magistrates because of the authority bestowed upon them by the sovereign, since they are nothing more than administrators of the sovereign, having no independent authority of their own.[310]

The two also agree that kings are not established via contract.[311] Rousseau considers it impossible for the body politic to make such an agreement, though he does so on different grounds than Hobbes. Firstly, Rousseau believes that it would be impossible for the republic to modify or alienate its supreme authority in any way and continue to exist, meaning that it would be "contradictory" for one to choose a superior to which it would be subject.[312] Furthermore, as he claims that the body politic cannot involve itself in particulars when acting as sovereign, he consequently holds that it can legitimately make only laws, not contracts, since the latter belong to this category over which it does not have authority.[313] Having dismissed the possibility of magistrates being installed by contract, he says that they are instead *commissioned* by the sovereign.[314] Kings in

[309] Lev, 180–181
[310] Lev, 180–181
[311] OSC, 79
[312] OSC, 104
[313] OSC, 104
[314] OSC, 79

his model are thus equal to governors, maintaining an administrative role on behalf of the sovereign, rather than being themselves sovereign.[315]

It is in this question of sovereignty that one of the greatest divergences between the respective commonwealths of Hobbes and Rousseau can be found. Rousseau strictly places sovereignty in the body politic, saying that it adopts the role of sovereign when it is active.[316] Any laws, therefore, must be acts of the people,[317] and all legitimate governments, he says, must be ruled by laws.[318] Only when it is the "public interest" that is governing, does Rousseau believe that a commonwealth truly exists.[319] Thus, a social compact, as defined by Rousseau, would be legitimate only if it involves the surrendering of rights of the individual to the collective body. Rousseau would not consider Hobbes's commonwealths established by acquisition, for example, to be a commonwealth at all. Such an entity would be disqualified from serving as the basis of a society because it lacks both popular rule and popular approval.[320] Affording no true right to those who conquer a people, Rousseau considers a conqueror and those

[315] OSC, 78–79
[316] OSC, 54, 59
[317] OSC, 66
[318] OSC, 67
[319] OSC, 67
[320] DoI, 104

conquered to remain in a state of war, unless the latter were to receive their complete freedom, then voluntarily choose the same leaders.[321]

Rousseau then distinguishes between legislative power and executive power as well, both of which he initially places in the body politic. He considers legislative power to be held by the body politic alone, who creates laws with the assistance of legislatures;[322] however, the executive power, being the power to execute that which the general will has established as law, he considers transferrable.[323] He claims that this power should be held by an "agent" that would serve in this role as an intermediary between the republic and its subjects.[324] Thus, according to Rousseau, democracies are commonwealths in which the body politic assumes the power to execute its own legislation,[325] aristocracies are ones in which the head of the executive is a smaller assembly,[326] and monarchies are ones in which a single person assumes this role.[327] He is most wary of democracy, as it places executive power, which is focused on the particulars, in the hands of the same body responsible for legislating, which,

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[321] DoI, 104
[322] OSC, 66, 67
[323] OSC, 78
[324] OSC, 78
[325] OSC, 84–85
[326] OSC, 86
[327] OSC, 87

according to his definition, is focused on the general and abstract.[328] He doubts that such an arrangement in its true sense would even be possible, as it would require the body politic to stay assembled at essentially all times to oversee the particulars of its people's "public affairs".[329] Barring this unusual arrangement, the governments he describes involve a minority governing the entire people on the people's own behalf.[330]

Conversely, in Hobbes's covenant, the assembled people confer sovereignty on the governing body itself, each man authorizing it to govern him.[331] This "absolute representative of all the subjects"[332] who has been appointed to provide for their common defense is also granted the "strength and means" of all those who took part in the founding agreement.[333] Since essentially all of each individual's rights have been completely surrendered to the representative body in this arrangement, the people have no recourse to the governing authorities once they are in place.[334] Even when all of the people are considered a single person, Hobbes holds their power to be only equal to the

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[328] OSC, 84
[329] OSC, 85
[330] OSC, 86, 87, 91
[331] OSC, 132
[332] Lev, 169–170
[333] Lev, 132
[334] Lev, 136, 172

sovereign's, as it is their person that he "bears".[335] Thus, according to Hobbes, democracy, aristocracy, and monarchy are not governmental institutions by which the sovereign is represented, but commonwealths defined by what body is sovereign.[336] In each case, the sovereign has both executive and legislative rights.[337] It authors the civil law, which Hobbes defines as rules commanded by the sovereign to its subjects[338] and bears rights related to governing duties, such as the right to make war and appoint counselors.[339] He does recognize that arrangements can exist similar to the one described by Rousseau, in which a king has limited powers or term limitations, but Hobbes would consider such an arrangement to be a democracy in which the king is merely a minister serving on behalf of the people.[340] Whoever had the authority to remove the kings or elect his successor, he would hold to be the true sovereign.[341] Hobbes also recognizes that an entity with the absolute power he ascribes to sovereigns might raise serious concerns among their subjects, but provides emphatic assurance that the miseries that would arise for lack of such an institution are far greater than the

[335] Lev, 140
[336] Lev, 142
[337] Lev, 137–139, 198
[338] Lev, 198
[339] Lev, 138–139
[340] Lev, 146–147
[341] Lev, 147

ones it produces.[342]

Rousseau's distinction between sovereignty and governance appears to be a logical one. Having already distinguished between "subjugating a multitude" and "governing a society", he recognizes that a people must in some way "become a people" before it can elect magistrates.[343] With the exception of institutions that come into existence by way of acquisition (which he would consider absolutely illegitimate), the entire assembled people initially possess the power and right to determine how to best arrange themselves in all of the various commonwealths that he and Hobbes put forth. This logic appears even in Hobbes's writing; firstly, when he describes sovereignty by institution as being established through the vote of an assembly that unanimously agrees to authorize the actions of the person elected[344] and, secondly, when he emphasizes that every member of the multitude is "author" of the acts of their representative.[345] Such an arrangement would imply that the assembly that chooses its representatives has some sort of inherent authority that legitimizes its choice in sovereign, as well as that sovereign's future actions.

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[342] Lev, 141
[343] OSC, 52
[344] Lev, 134
[345] Lev, 132

Keeping in mind that both authors consider self-preservation to be a primary incentive for establishing a commonwealth, it would seem unusual for an assembled people to willingly bring into existence an entity that would have such extraordinary authority over their lives without providing themselves a means of changing it or, at the very least, disputing with it. A Hobbesian monarchy or aristocracy would provide neither of these. Once established, the sovereign writes civil laws to which it is not subject,[346] and the subjects are not allowed to protest the decrees of their representatives[347] or attempt to change the form of government.[348] Even if all the subjects were assembled, Hobbes claims that their power would still only be equal to that of the sovereign, which would have the additional benefit of its authority being "inseparably annexed" to it.[349] There is little question that Rousseau's prince, who is held accountable to the public that he serves while similarly having their force "concentrated in him" would appear considerably more attractive.[350]

Given the great challenges that both Rousseau and Hobbes (who expects all sovereign assemblies to suffer from internal strife among other ills) claim to

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[346] Lev, 198, 240
[347] Lev, 172
[348] Lev, 134
[349] Lev, 140–141
[350] OSC, 78–79, 81

be inherent to governing a society democratically,[351] the common ground found between the two appears to be the most reasonable. Hobbes's democracy with a limited king greatly reflects Rousseau's republic, as both would allow the people to maintain sovereignty while assigning the task of governance to an individual or smaller assembly. Otherwise, unlike the citizens of Rousseau's republic, who would always maintain the authority to adjust the government[352] should it prove incapable of properly executing the general will, members of a Hobbesian commonwealth would lack even the smallest amount of power over their 'representative'. Though the arrangements would largely be defined by the language used in the initial covenant, it is difficult to find a significant incentive for an assembled people to place sovereignty in the hands of a governing aristocracy or monarchy, should the possibility of maintaining sovereignty themselves, then instituting a governing body to execute their own will, be presented to them.

[351] OSC, 84–85, Lev, 143–145
[352] OSC, 79

Right, Love, and the Nature of the Commonwealth

In the *City of God*, Augustine puts forth two possible definitions of a commonwealth. First, he provides the definition given by Scipio in Cicero's *On the Republic*. Scipio's definition of a commonwealth is the 'weal of the people', where a people is specifically a multitude "united in association by a common sense of right and a community of interest".[353] Scipio claims that justice is therefore required to maintain such an institution, as he considers it impossible for a right to exist without true justice.[354] Since Augustine and Scipio are in agreement that justice is not simply the 'interest of the strongest',[355] and right proceeds from 'the fount of justice',[356] Augustine concludes that for a people to be a people in Scipio's terms, rather than a mob, justice must exist among them.[357] Thus, Scipio's version of a commonwealth cannot be established without justice being present, as justice is required to maintain a 'common sense of right', a 'common sense of right' is required for a people to exist, and a commonwealth

[353] CoG, 881
[354] CoG, 881–882
[355] CoG, 882
[356] CoG, 882
[357] CoG, 882

cannot exist without a people for it to represent.[358]

Augustine, however, questions whether it is possible for justice to exist whatsoever in those who do not submit themselves to God,[359] eventually arriving at the conclusion that justice can be found only where God "rules an obedient City according to his grace", as this arrangement would allow their souls to rule their bodies and their reason to rule their vices.[360] Should any body of people not be obedient to God in such a manner, Augustine considers it impossible for them to establish such a commonwealth, as he is certain that a gathering of unjust men would be similarly unjust itself,[361] preventing them from possessing the common sense of right that Scipio requires for a commonwealth to be established. A problem, however, presents itself here. The city of man, unjust in its disobedience to God, is largely responsible for the founding of earthly governments. Proudly rejecting equality under God,[362] the peace they seek to establish is one in which they would impose their will on others.[363] If it is true that the large majority of secular governments are established by the unjust, most or all could not be considered commonwealths according to the above definition.

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[358] CoG, 882
[359] CoG, 883
[360] CoG, 890
[361] CoG, 883
[362] CoG, 868–869
[363] CoG, 867

In an apparent attempt to resolve this matter, Augustine puts forth a different definition of a people that is based on mutual objects of affection, rather than right, thus creating one that could include those who do not serve God. According to his alternative definition, a people is "the association of a multitude of rational beings united by a common agreement on the objects of their love".[364] Should this be the case, an earthly people would still be a people, even if they lacked true justice, and their institutions would consequently still be commonwealths.[365] Augustine says that a people could be better or worse depending on the quality of the objects that they love; however, such a multitude united in common agreement would, by definition, still be a people even if their association was rooted in unbecoming affections and completely "devoid of true justice".[366]

Both the sense of right that Cicero recognizes and the common love emphasized by Augustine can be found at the heart of the commonwealths described by Hobbes and Rousseau. According to Hobbes, all men are naturally at war. Consequently, he affords them the rights of war in nature, claiming that no action they take could be considered unjust in such a state. This is in keeping

[364] CoG, 890
[365] CoG, 890
[366] CoG, 890–891

with his limited view of injustice. Since he defines injustice merely as not performing what one promises in a covenant and considers it impossible to establish a true covenant where no commonwealth exists to ensure that both parties will perform what they promise, Hobbes considers men apart from the commonwealth to have the right to do essentially anything they please.[367] It is this right to govern oneself that he then says each individual surrenders to the commonwealth when it is established.[368] Though he does not distinguish between the creation of a people and the institution of a commonwealth as Cicero does, Hobbes recognizes at a commonwealth's establishment that a shared right is held by all involved, as well as a shared set of interests, namely that of protecting themselves from invasion or from harm at the hands of each other.[369] Turning to Augustine's definition, this shared interest is clearly rooted in the primary desire that Hobbes believes to exist within every man, specifically, the desire to preserve oneself.[370] Thus, the right granted a Hobbesian commonwealth is, similar to Cicero's, derived from an agreement made among men possessing a common sense of right[371] and, similar to Augustine's, rooted in

[367] Lev, 113
[368] Lev, 132
[369] Lev, 132
[370] Lev, 98–99
[371] Lev, 132

a common love, specifically that of their own safety. Hobbes even brings attention to the relationship between the common desire, the mutual agreement, and the surrendering of right in such an arrangement, saying of commonwealths

> But as men, for the attaining of peace, and conservation of themselves thereby, have made an artificial man, which we call a commonwealth; so also have made artificial chains, called *civil laws*, which they themselves, by mutual covenants, have fastened at one end, to the lips of that man, or assembly, to whom they have given the sovereign power; and at the other end to their own ears."[372]

According to Hobbes then, the love men have for self-preservation is therefore great enough to warrant the creation of a sovereign who would exchange their freedom to do anything they desire for chains fastened to its lips. This is a striking testament to the degree to which the primary desire Hobbes perceives in man molds the commonwealth he designs. Though such chains may at first seem burdensome, Hobbes is certain that this arrangement is far better than the alternative, as he considers it the best means of staving off civil war and vengeful acts of violence, thus giving men the greatest hope of achieving their chief aim of survival.[373]

When designing his commonwealth, Rousseau takes into account the quality of the desires he observes in man and seeks to satisfy those which he

[372] Lev, 160
[373] Lev, 141

considers best, rather than greatest. As inequality increased among men in civilization, Rousseau says that their desire to dominate began to overpower their desire to be free.[374] Thus, some willingly adopted their chains for the sake of having the opportunity to place similar chains on others below them.[375] Rousseau laments the eventual result of such developments, which he considers to be nothing short of despotism.[376] Opposing Hobbes, he is less convinced that peace under absolute rule is worth the vain sacrifices despots are prone to demand from the people they rule, pointing out that "The Greeks lived tranquilly shut up in the Cyclops' cave as they awaited their turn to be devoured."[377]

To avoid the increasing misery Rousseau expects despotism to produce, he puts forth an arrangement that would help men preserve themselves and restore their freedom,[378] while leaving their desire to dominate one another largely unsatisfied. Through the social contract, Rousseau says that each person would completely surrender his individual rights to the union, but receive back

[374] DoI, 112
[375] DoI, 112
[376] DoI, 115
[377] OSC, 49
[378] OSC, 52–53

as a part of the citizenship the same degree of authority that he surrenders.[379] The union is therefore the primary distinction between this arrangement and the state of nature. Rather than each individual having authority over himself, all have authority over all, meaning that whatever authority each member loses over himself as an individual, he gains through participating in the guidance of the whole.[380] Such an arrangement would provide the great benefit of allowing those participating to coordinate their efforts to preserve themselves but still keep them free from the chains of inequality, as each individual would be subject to the same laws he suggests for his peers.[381] Though, as does Hobbes, Rousseau holds man's desire to survive in high regard, he is unwilling to leave the task of satisfying it in the hands of a mankind prone to lust after domination, without first providing such a safeguard for the freedom that they desire with seemingly less fervor.

Concerning right, Rousseau agrees with Scipio and Augustine that "might does not make right"[382] and refuses any rights to those who conquer.[383] Refusing to do so further distinguishes the arrangement he describes from the one

[379] OSC, 53
[380] OSC, 53
[381] OSC, 53
[382] OSC, 49
[383] DoI, 104

described by Hobbes. Rousseau says that

> since the right of the conqueror is not a right, it could not have served as the basis of any other right, for the conqueror and the conquered peoples always remain in a state of war with one another, unless the nation, given back its complete freedom, voluntarily chooses the victor as its leader. Until then, whatever the terms of capitulation were, as they were based only on violence and as they are consequently null and void by that very fact, based on this hypothesis there can be neither genuine society, nor body politic, nor any other law than that of the stronger.[384]

Thus dismissing the rights of war and the rights of the stronger in the establishment of a society, a different common sense of right would be required for Rousseau's commonwealth to agree with Scipio's definition. The two alternative rights that he considers common to all men in nature are the right to all that they need[385] and the right to maintain or dispense of their freedom as they see fit.[386] For Rousseau, preserving each person's freedom during the establishment of a commonwealth is therefore of particularly great importance, as doing so is not only a means of providing men with what they desire but also a means of ensuring that their natural right to be free is not violated. This is why he takes such pains to make sure that each individual who takes part in the social contract receives back as much as he surrenders. While the cooperative nature of

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[384] DoI, 104 (the hypothesis referenced is his perspective on the origins of political societies described in the pages preceding this passage of the *Discourse on Inequality*)
[385] OSC, 56
[386] OSC, 49

the arrangement would quite certainly help to ensure that the needs of each person are provided for, Rousseau refuses to allow the liberty of any individual to be abused for the sake of this end, ascribing to their freedom a degree of importance similar to that which he bestows upon their wellbeing.

Considering conventions to be the only "basis of all legitimate authority among men",[387] it is also of the utmost importance to Rousseau that all who are going to be subject to the commonwealth freely agree to its establishment. If they do, he says that the individual's right over himself is transferred to the commonwealth,[388] which then has the authority over his life with respect to the matters concerning the state, as the commonwealth then joins nature in being responsible for prolonging the individual's existence.[389] The common sense of right is therefore held by the citizenship based on the rights surrendered by each individual and the commonwealth's role in preserving the life of its subjects. If one does not surrender his right, the commonwealth has no authority over him, and he maintains the rights that he has in nature, free from the commonwealth's jurisdiction outside of his relations with its people or his use of their property.

Returning to the trouble that Augustine finds with Scipio's definition of a

[387] OSC, 49
[388] OSC, 53
[389] OSC, 64

commonwealth, should one use a broader definition of the term 'right' than Augustine does, it is possible to see the role that rights plays in the institutions established by both the just and the unjust. Even he bears witness to the fact that God grants earthly dominion and a limited sense of freedom to all men.[390] Should the unjust choose to use their freedom to establish a 'compromise between human wills' concerning the affairs of this realm,[391] it would seem that they would have a sort of right to so arrange themselves, while still lacking the truest sense of right that can exist only where the just submit themselves to God. Such a limited sense of right is expressed in the commonwealths of both Hobbes and Rousseau, who find the rights of commonwealths to be largely derived from the mutual agreement of their members. The righteousness of those participating is of little consequence to either. Even though, according to Augustine, the institution that would result from a host of unrighteous people making such an agreement might lack the justice required to meet Scipio's definition of a commonwealth in the truest sense, their leaders could still base their authority among the whole on the terms of the founding agreement and the limited independence each has been afforded by God, himself.

[390] CoG, 176, 292
[391] CoG, 877

Maintaining the higher view of right, however, leads Augustine to uncover another important component to the establishment of commonwealths that Cicero seems to overlook; specifically, the affections of those who participate. Without an agreement among the participants concerning what they desire, the purpose of the resulting institution is unclear. A third framework, seemingly embraced by Hobbes and Rousseau, combines both definitions. For a commonwealth to truly exist, both agree that those who establish it must have some sort of right to do so, drawn from the rights that they naturally possess as individuals and agreements made among them. They also provide respective visions of the common desires held by all men, as well as arguments for how the resulting institution would assist those participating in achieving these aims. Without an establishment of the rights on which it is based, a commonwealth would lack legitimacy; without an agreement about the desires of those who partake in its founding, it would lack a sense of purpose.

The differences in their views on human rights and desires, however, lead Hobbes and Rousseau to design commonwealths that feature glaring differences. Believing that men naturally possess the rights of war and desire nothing more than to survive, Hobbes finds fear and coercion to be completely legitimate means of establishing a commonwealth. Since he also holds a commonwealth to

be the only legitimate means by which men can surrender their natural rights to everything, he considers it their sole means of escaping the desolate state of war and thereby achieving their great aim of preserving their lives. Given the importance that he places on commonwealths and the turbulent state from which he says that they emerge, it is of little surprise that he grants immense power to their governing authorities. It is on their shoulders that he rests the task of moving their subjects towards peace and preventing men from falling back into the horrifying circumstances that he claims exist immediately outside of the commonwealth.

Rousseau approaches these matters from a quite different perspective. Hardly considering the state of nature to be a state of war and placing the blame for man's woes largely on the development of civilization, Rousseau looks to the commonwealth as a means of recovering what mankind has lost while it developed. According to him, the newly refined passions of men had stripped away their freedom, and their newfound desires to dominate and surpass one another had resulted in utter tyranny and unprecedented bloodshed. Amidst it all, they lost the liberty that was rightfully theirs while becoming increasingly incapable of preserving themselves apart from the civil arrangement that enslaved them.

Rousseau therefore designs his commonwealth to primarily protect men from tyranny, rather than anarchy or civil war. Believing that men do not naturally possess rights of war and that they are incapable of gaining a right through conquest, Rousseau's commonwealth can only come into being through the free, uncoerced agreement of its members. Furthermore, while Hobbes claims that sovereignty is found in the government and places the people below this sovereign government for the sake of peace, Rousseau claims that it is held by the people and places them above the government for the sake of liberty. Rousseau expects this equality among the members of his commonwealth to ensure that their freedom is preserved while they unite their efforts to survive.[392] Since all would equally participate in directing the commonwealth and all would be equally subject to it, no member would have a disproportionate amount of authority that he could use at the expense of the rest.[393] This may be the greatest contrast between the arrangements put forth by the two philosophers. Hobbes, seeking to bring about peace, designs an institution great enough to instill terror in its subjects, thereby preventing them from breaking their covenant and harming one another, while Rousseau, for the sake of restoring man's liberty, insists on an arrangement that allows all its members to participate equally in the

[392] OSC, 53
[393] OSC, 53

direction of a government designed more to manage their affairs than to terrify them into living morally. When describing the distinctions between the City of God and the city of man, Augustine says that the citizens of each city desire their own kind of peace and dwell in that kind of peace once it has been achieved.[394] The same might be said of the commonwealths designed by Hobbes and Rousseau. The attributes that distinguish their establishments and the resulting arrangements from one another bear witness to the fact that they were produced by philosophers who held unique views on the desires that motivate men as well as the rights that they naturally possess.

[394] CoG, 547

Bibliography

List of Abbreviated Titles

CoG:	*Concerning the City of God against the Pagans*
DoI:	Discourse on the Origins and the Foundations of Inequality among men.
DSA:	Discourse on the Sciences and the Arts.
OSC:	*On the Social Contract with Geneva Manuscript and Political Economy*
Lev:	*Leviathan, or the Matter, Forme and Power of a Commonwealth Ecclesiasticall and Civil*

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Vita